

STATEMENT

SMITH AND POWSTENKO

BROADCASTING AND TELECOMMUNICATIONS CONSULTANTS

SUITE 502 • 1233 20TH STREET, N.W. • WASHINGTON, D.C. 20036 • (202) 293-7742

August 28, 1992

To:

Mr. Steve Samet
RADIO STATIONS WZOE/WZOE-FM
Broadcast Center
Route 5
Princeton, Illinois 61356

Professional services for July and August, 1991

Proposed FM station, Oglesby, Illinois; preparation
of application, phone conferences.

11.75 hours @ \$125 \$1,468.75

Expenses:

Computer charges	\$329.35
Maps	21.00
Duplicating	39.00
Telephone	2.92
Postage	<u>2.13</u>

393.40

1862.15

Interest charged:

56.28

Balance

\$1918.43

Payment received

1918.43

Total Balance Due

\$ 0.00

STEPHEN W. SAMET 10-75
BERNADETTE SAMET
834 PARK AVE., W.
PRINCETON, IL 61356

8520

AUGUST 19, 91

70-442/711

PAY TO THE ORDER OF FEDERAL COMMUNICATIONS COMM. \$ 2030.00
TWO THOUSAND THIRTY & NO/100 DOLLARS



MEMO

[Handwritten signature]

⑆071104427⑆ ⑈1808⑈478⑈ 8520

**LEGAL
NOTICE**

On August 20, 1991, an application was filed by Stephen W. Samet with the Federal Communications Commission which requests a construction permit for a new FM radio station to operate on Channel 271A (102.1 mhz) at Oglesby, Illinois. The station will operate with ERP of 1.7 kw from a transmitter site at 0.8 km S-SE of SR71 at Hennepin Canyon Overpass, Deer Park Township, La Salle County. The antenna height above average terrain will be 428 ft.

A copy of the application is available for public inspection during normal business hours at the Oglesby City Clerk's Office, 128 W. Walnut, Oglesby, Ill.
(Aug. 29, 30, Sept. 3, 5, 1991)

No. 10315

Certificate of Publication

STATE OF ILLINOIS }
COUNTY OF LA SALLE } SS.

This is to certify that a notice, a true copy of which is hereto attached, was published in the NewsTribune, a secular newspaper with one edition only on the date of each publication, of general circulation in the Counties of La Salle, Bureau, Marshall, Lee, Putnam, and adjacent areas, printed and published daily, except Sunday, in the City of La Salle, County of La Salle, and State of Illinois, by The Daily News-Tribune, Inc., a corporation organized and existing under the laws of the State of Wyoming, and duly qualified to do business in the

State of Illinois 4 times for successive weeks; that the date of the first publication in such newspaper was the 29th day of August, 19 91, and the date

of the last publication in such newspaper was the 5th day of Sept, 19 91.

It is further certified that said newspaper, NewsTribune, has been continuously published daily, except Sunday, as a secular newspaper of general circulation in the Counties of La Salle, Bureau, Marshall, Lee, Putnam, and adjacent areas, for a period of more than one

year prior to and immediately preceding the 29th day of August, 19 91; that it is a newspaper as defined in "An Act to Revise the Law in Relation to Notices" (Approved February 13, 1974), as amended by Act approved July 17, 1959, Sections 1 through 8.2, Chapter 100, Illinois Revised Statutes; and that it is also a newspaper as defined in An Act Concerning the Publishing Legal Notice or Publication (Approved June 8, 1909), as amended by Act approved July 17, 1959, and as added to by Act effective October 1, 1973, Section 10, Chapter 100, Illinois Revised Statutes.

This is to further certify that The Daily News-Tribune, Inc. publisher of said newspaper, has caused this Certificate to be signed by its duly authorized agent and the corporate seal thereof to be affixed.

Dated at the City of La Salle in said County this 10th day of Sept, 19 91.

THE DAILY NEWS-TRIBUNE, INC.

(Corporate Seal)

Publication Fee

\$100.00

By

Tracy Kotowski
Authorized Agent

Received Payment

Sept 10

, 19 91.

THE DAILY NEWS-TRIBUNE, INC.

By

Tracy Kotowski
Authorized Agent

DECLARATION

I, Sam Mayo, am President of the First Assembly of God Church, an applicant for a new FM broadcast station to operate on Channel 271A at Oglesby, Illinois, which application is presently pending before the Federal Communications Commission and bears the File No. BPH-910821ME. This application is mutually exclusive with the applications of Doris A. Studstill, File No. BPH-910820MC, and Stephen W. Samet, File No. BPH-910820MB.

I certify that there has been no consideration given by, promised to, received by, or promised by Doris A. Studstill or any agent of Doris A. Studstill to the First Assembly of God Church or any officer, director, agent, or representative thereof, other than as specifically set forth in the Settlement Agreement between First Assembly of God Church and Doris A. Studstill.

This application was filed solely for the purpose of securing a grant from the Commission and not in order to achieve a settlement with Doris A. Studstill or anyone else.

The public interest will be served by grant of the application of Doris A. Studstill and dismissal of our application, to the extent that a first local radio service will be brought to Oglesby, Illinois far sooner than if a full administrative hearing were held. Additionally, approval of the said settlement agreement will result in a saving of time and money to the Commission and as well to each of the applicants.

The foregoing is true and correct under penalty of perjury.

FIRST ASSEMBLY OF GOD CHURCH

By:

Sam Mayo
Sam Mayo, President

Dated this 3RD day of September, 1992

Attachment No. 1 to Settlement Agreement
Doris A. Studstill/First Assembly of
God Church

DECLARATION CONCERNING EXPENSES

I declare under penalty of perjury that the sum set forth in paragraph 2 of the Settlement Agreement -- \$12,924.56 - represents the amount reasonably and prudently expended by First Assembly of God Church ("Assembly") for preparing, filing, advocating the granting of, and negotiating a settlement of its application for a new commercial FM station at Oglesby, Illinois, File No. BPH-910821ME. Specifically, legal fees and expenses of \$6,922.74 were incurred in preparing the application for filing, reviewing the applications of competitors, analyzing the comparative position of Assembly, and negotiating and preparing papers for settlement. Engineering Expenses of \$3,785.36 were incurred in connection with the preparation of the application. Expenses of \$144.00 were incurred for the publication in the News-Tribune of the filing of the application. Telephone charges from Assembly to legal counsel and engineering counsel were incurred of \$42.46. In addition, an FCC filing fee of \$2,030.00 was incurred in connection with the original submission of the application to the Commission.

9-3-92
Dated

Sam Mayo
Sam Mayo, President
First Assembly of God Church

STATEMENT OF DORIS A. STUDSTILL

My application for a new FM station at Oglesby, Illinois was filed for the purpose of securing authority to build a new FM station and not for arriving at a settlement of any kind.

The settlement agreements arrived at with applicants Stephen W. Samet and First Assembly of God Church contain all agreements and/or understandings between the parties, and no other compensation has been paid or promised, or will be paid to the dismissing applicants or their agents, officers or directors.

The public interest will be served by approval of the settlement agreements and grant of my application in that a full scale hearing will be avoided and a first local radio service will be brought to Oglesby far sooner; and both the Commission and applicants will be saved considerable time and money.

The foregoing is true and correct under penalty of perjury.

Doris A. Studstill
Doris A. Studstill

September 3, 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 92M-980
04261

In re Applications of)	MM DOCKET NO. 92-188
)	
STEPHEN W. SAMET)	File No. BPH-91082OMB
)	
DORIS A. STUDSTILL)	File No. BPH-91082OMC
)	
FIRST ASSEMBLY OF GOD CHURCH)	File No. BPH-910821ME
)	
For Construction Permit for a New)	
Commercial FM Station on Channel 271A)	
at Oglesby, Illinois)	

MEMORANDUM OPINION AND ORDER

Issued: September 25, 1992

Released: September 29, 1992

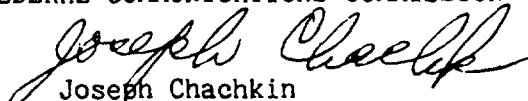
1. On September 8, 1992, Stephen W. Samet (Samet), Doris A. Studstill (Studstill), and First Assembly of God Church (Assembly) filed a joint petition for approval of settlement agreements. Samet filed a supplement on September 11, 1992. Assembly filed a supplement on September 16, 1992. The Mass Media Bureau filed comments on September 23, 1992 in support of the joint petition.

2. The proposed settlement agreements contemplate the dismissals of Samet's and Assembly's applications in consideration of payments from Studstill, which are not to exceed their expenses. Samet is to receive \$8,000. Assembly is to receive \$12,924.56. The payments are contingent upon dismissal of both the Samet and Assembly applications.

3. Review of the settlement agreements and declarations of the respective principals shows that the applicants have complied with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. They show that their applications were not filed for an improper purpose, and Samet and Assembly have provided itemized accountings which establish that the amounts promised by Studstill do not exceed Samet's and Assembly's legitimate and prudent expenses. The applicants also show that approval of the joint request will serve the public interest. See Settlement Agreements, 6 FCC Rcd 85 (1990), modified, 6 FCC Rcd 2901 (1991).

Accordingly, IT IS ORDERED, That the "Joint Petition For Approval Of Settlement Agreements" filed September 8, 1992 by Doris A. Studstill, Stephen W. Samet, and First Assembly of God Church IS GRANTED; the applications of Stephen W. Samet and First Assembly of God Church ARE DISMISSED; the application of Doris A. Studstill IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION


Joseph Chachkin
Administrative Law Judge